

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TENNESSEE  
AT KNOXVILLE**

Raymond Hutzler, Chad Acres, Chelsea )  
Adkisson, Weston Alexander, Scott Almond, )  
Keith Ammons, Paul Anderson, Jr., )  
Brentt Arrowood, Mark Bacon, Robert Bandy, )  
Anthony Banks, Nathan Basler, Tyten Beeman, )  
Jeremy Bentley, Brian Bingham, William Black, )  
Jeremy Blackburn, Andre Blocker, Ronald )  
S. Bolden, Ronald S. Bolden, Jr., John Bowers, )  
Grady Boyd, III, Mark Braden, Thomas Braden, )  
Cody Bramlett, Daniel Britton, Darryel Brooks, )  
Daniel Brown, Keith Butler, Terry Butler, Brent )  
Burkhart, Andrew Campbell, Christopher )  
Campbell, Corey Carroll, Salvatore Carrubba, )  
Trenton Catron, Dennis Chambers, Jason ) **Case No: 3:21-cv-00304**  
Chambers, Richard Chambers, Vanessa Chavis )  
(formerly Vanessa York), Zakary Clark, )  
Wendell Copeland, James Cox, James Cromwell, )  
Howard Crowder, Jr., Timothy Daniels, )  
Michael Daugherty, Stephen Dunn, Michael Dyer, )  
Erin Earley, Steven Elkins, Michael Elliott, )  
James Favaro, Jr., Ryan Ferguson, Adam Fields, )  
James Fisher, Gregory Floyd, Justin Forsythe, )  
Travis France, Caleb Freshour, John Freshour, )  
Paul Galloway, David Gates, Jeffrey Gates, )  
Laura Graham, Michael Grant, Scott Graves, )  
Donnie Gray, Charles Guinn, Jay E. Hall, )  
Jimmy Hamby, Russell Hancock, Robert )  
Harrington, Robert Harris, Charles Harrison, Jr., )  
Joshua Hawes, Clinton Hawkins, Henry Hawley, )  
Lester Heidel, Brent Hembree, Tony Henderson, )  
Nathan Hendrickson, Ryan Henley, Richard Henry,)  
Richard Hicks, Shannon Hopwood, Phillip Houser,)  
Marvin Howard, Timothy Hudson, Jeffery Human, )  
William Hurst, John Huskey, Matthew Hutzler, )  
Kris Jackson, Jill Jarnigan, Jeff Johnson, )  
Travis Johnson, Daniel Jones, Jerry Jones, )  
Josh Jones, Tony Joy, Johnny Justes, )  
Gary Keeney, II, Phillip Kelly, Kristopher Kile, )  
Charles Kivett, Jay Lane, Christopher Lawson, )  
Lou Lawson, Scott Lawson, Bailey Licata, )

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 Jay Lowe, Sheryl Lowe, Robert Mackey, )  
 Blake Malone, Patricia Jackson Marcum, )  
 James Martin, Jr., Michael Massengill, Anthony )  
 McAlister, Michael McCormack, Christopher )  
 McCurry, Scott McGill, Shaun McLemore, Mark )  
 McMahan, Michael McManus, Sam McManus, )  
 Robert McWhorter, Thomas Melhorn, Gregory )  
 Menard, AC Miller, Steven Miller, Terry Morgan, )  
 Jerry Mounts, II, Mark Neher, Paul Nelson, )  
 Willard Newman, Gary Newport, Chad Noe, )  
 Suzette Nolan, Curtis Norman, Phillip Odom, )  
 Mark Owens, Kevin Pagodin, Roberto Parrilla, )  
 Ronald Pelfrey, James Peters, Jr., David Phillips, )  
 Stephen Picarello, Ronald Price, Darrell Rimes, Jr,) )  
 Edward Rivers, Matthew Robertson, David Rollen, )  
 Patrick Rule, Rodney Ryder, Jr., Christopher )  
 Scarbrough, Jacob Scarborough, Guy Schwinge, )  
 Joshua Sexton, Steven Sexton, Rodger Sharp, )  
 Lorrie Slover, Jason D. Smith, Jason William )  
 Smith, William Gregory Smith, Philip Standridge, )  
 Chelsea Taboada, Brian Tackett, Michael Taylor, )  
 Jason Thomas, Patrick Thompson, Jr., )  
 Daniel Toney, Bradley Trego, Scott Trew, Greg )  
 Trowbridge, Gregory Vann, Wesley Vineyard, )  
 Eric Waller, Johnathan Waller, Richard Watson, )  
 Robert P. Watson, Robert P. Watson, III, )  
 Michael Whaley, Jeffrey White, Donna Whitson, )  
 Robert Whitson, Jason Whittington, )  
 Matthew Whitus, Ricky E. Williams, Scott D. )  
 Williams, Dustin Wilson, James M. Wilson, )  
 Joshua Wilson, Stephen Woods, Jeremy Woody, )  
 Chris Yancey, Randel York, Daniel Young, )  
 \*Heath Ackerman, Chase Acres, Justin Acres, )  
 Rickey Acres, Jeremy Adcock, Micheal Adkins, )  
 Gary Adkisson, Jeremiah Adkisson, Shawn )  
 Aldrich, Joseph Allen, Brandon Alley, Michael )  
 Alley, Nora Ammons, Hakeem Ariori, William )  
 Arwood, Matthew Ashbury, Steven Attaway, )  
 James Atwater, Chris Ausburn, Joey Bacon, )  
 Ballard Bailey, Monica Bailey, L. Keith Barding, )  
 Chris Barger, Tonya Barnard, Candi Bartlett, )  
 Travis Bates, Sean Bays, Dwayne Lee Beaty, )

Penny Beaty, Andrew Beatty, Angie Becker, )  
 Michele Bedford, Rodney Beeler, Scott Benge, )  
 Glenn Bennett, Darrell Bentley, Randy Bishop, )  
 Benjamin Blair, Kenneth Blakely, Derek Blakley, )  
 Gregory Bledsoe, Jonathan Blevins, Henry )  
 Bluford, Jay Boatman, Charles Bolden, Verlin )  
 Bolinger, Jr., Chris Borum, Larry Boucher, )  
 Terry Bowers, Jonathan Bowling, Jason Bowman, )  
 Stephen Boyd, Jason Brackett, Justin Brady, )  
 Monte Branstetter, Lance Branum, Brian Brasel, )  
 Scott Brinkmeier, Chase Brinson, Jeffrey Brooks, )  
 Jennifer Brooks, Matthew Brooks, Arthur Brown, )  
 Charles Brown, James Browning, Jonathan )  
 Bryant, William Bryant, Matthew Bumbalough, )  
 Charles Bunch, Daniel Bunch, Heath Bunch, )  
 Joshua Bunch, Margaret Bunch, Ryan Bunch, )  
 Dustin Burchell, Sam Burgess, II, Darren Burns, )  
 Dale Burress, Lee Burris, Apache Bussell, )  
 Charles Byrge, Charles Cagley, William D Cannon, )  
 Bradley Capehart, Chris Capshaw, Charles Carroll, )  
 Matt Carter, Darryl Caswell, James Chambers, )  
 Russell Chambers, Ronald Chapman, Bradley )  
 Childs, Aaron Chittum, Tom Choate, Travis )  
 Choate, Billy Lee Clabough, Bobby Claiborne, )  
 Jason Clark, Richard Clark, II, Charles Clawson, )  
 Cameron Cleghorn, Charles Clinton, James Cole, )  
 Michael Collier, Philip Collins, Greg Cooper, )  
 Stacy Cotton, Jeff Crabtree, Margie Crabtree, )  
 Anthony Crawford, Charles Cruze, Brent )  
 Cunningham, Brian Curry, Crystal Cutwright, )  
 Jimmy Dalton, Joseph Daniel, William Daniels, )  
 David Davidson, Richard Davidson, Jackson )  
 Davis, Jason Davis, Matt Davis, Russell Davis, )  
 Susan Davis, Ashley Dawson, Brad Debusk, )  
 Stacy DeMonbrun, David Denton, Jr., Michael )  
 Diehl, James Dillard, Michael Dobson, II, Chris )  
 Drinnon, Bryan Duncan, James Durham, II, )  
 Laura Dye, Greg Early, Dewayne Easter, Eric )  
 Easter, Robert Easter, Diane Eddie, Josh Ellis, )  
 Ronald Ellis, David Ellison, Jessie England, Keith )  
 Eskridge, Brien Estes, Richard Evans, Jerry )  
 Everett, Ronald Fairchild, Darryl Farmer, Billy Farr, )

Melissa Farr, David Ferguson, Jr., Mark Fickey, )  
 James Fielden, Robert Fisher, Darin Fletcher, )  
 Thomas Foster, Edward Foust, Mark Foxworth, )  
 Joshua Franse, Chadwick Freeman, William Frey, )  
 Sam Fritts, Alexander Frye, Brandon Freytag, )  
 Randolph Garner, Jr., Monica Garrett, Sanie )  
 Gaylor, W. Brandon Gibson, Chris Gilmore, )  
 Joseph Gilreath, Eric Givens, Dillon Glandon, )  
 Eric Glandon, Edward Goans, Daniel Goins, )  
 Tony Goldberg, Justin Goodman, Adam Gossett, )  
 Daniel Graham, Robert Graham, Robert Brice )  
 Graham, Willie Graham, Jeremy Grant, Trevor )  
 Graves, Patrick Gravett, Amber Green, )  
 Brandon Green, Clarence Green, Donald Green, III,) )  
 Tyler Greene, Robert Greer, Robert Gregory, )  
 Roger Gregory, Jeff Griffis, Jeremy Griffith, )  
 Donna Gross, Mark Guettner, Matthew Gwyn, )  
 Dessie Hagler, Joseph Hairston, Benny Hall, )  
 Angela Hamby, Douglas Hamby, Jason Hamby, )  
 Jerry Hamby, Joshua K. Hamby, Mike Hamil, )  
 Theodore Hamilton, Robert C. Haney, Jeffrey )  
 Hankins, Darrell Hanks, Deanna Harmon, )  
 John Paul Harmon, Mary Harrison, Angela )  
 Hatmaker, Curtis Hawn, Jake Hawn, Larry Hawn, )  
 Rebecca Hawn, Rhonda Hawn, Ronnie Hawn, )  
 Albert Headrick, Nicholas A. Heidle, William )  
 Henderson, Ace Henry, Keith Higgins, Andrew Hill,) )  
 C.D. Hill, Timothy Hixson, Phillip Hobby, James )  
 Housley, Joshua Howard, Tyler Howard, )  
 Chad Huff, Matthew Huffman, Eric Hughes, )  
 Steven Inkleberger, Samuel Irwin, Harlan Jackson,) )  
 Jarvonni Jackson, William E. Jackson, Mark )  
 Jenkins, John Jennings, Rickey Jennings, )  
 Micheal Jester, Joseph Jett, David Jewell, )  
 Brent Johnson, Matthew Johnson, Michael )  
 Johnson, Jr., Ryan Johnson, Steven G. Johnson, )  
 Donald Jones, Lloyd C. Jones, III, Michael Jones, )  
 Wayne Russell Jones, Wendell Jones, Jake )  
 Joyner, Maurice Justice, Jonathan Keas, Morris )  
 Keeton, Sheila Kelso, Josh Kerr, Benjamin Kerwin,) )  
 David Kidwell, Dillon King, Elizabeth King, )  
 Wylie King, Jr., Thurman Kinnebrew, Jr., Skyler )  
 Kinsey, Joseph Kirk, J.D. Kiser, Gerald Kittrell, )  
 Dennis Kitts, Grady Langley, Michael Lassetter, )

Sunny Lavender, Frederick Lawson, Jimmy )  
 Lawson, David Lay, Amy Ledford, David Lee, )  
 Ray Lenior, Bobby Lennex, Adam Lett, Daniel )  
 Little, Blaine Litton, Chad Lively, Charles Lively, )  
 Troy Lockhart, Sharon Long, Jeffrey Lovingood, )  
 John Lowe, Ralph Lowery, III, Jason Loy, )  
 Bryan Todd Lyle, Wesley Lyle, Josh Lyles, )  
 Kenneth Makins, Marion Mallory, Trevor Marsh, )  
 Angelia Martin, Edward Martin, Jacqueline Martin, )  
 John Martin, Michael Matherly, Stephen Matthews, )  
 Michael Mayeux, Darren McBroom, Larry McCabe, )  
 Troy McCartt, Rodney McClanahan, Bobby )  
 McCroskey, Levi McDaniel, Samuel McGee, )  
 Jared McGill, Erby McGuire, Steven McKamey, )  
 April McKenzie, David McNew, Bretta Melhorn, )  
 Duard Melhorn, Kent Melton, Chadwell Middleton, )  
 James Mikell, Chris Miller, Jerry Miller, Linell )  
 Miller, Roy Miller, Ryan Miller, Tim Milligan, )  
 Brian Mills, Darium Milton, William Minor, )  
 Jeffery Mirduski, Shiloh Mitchell, Emily Mitchell, )  
 John J. Mitchell, David Monhollan, Edwin )  
 Montalvo, David Moore, Jeff Moore, Jeremy )  
 Moore, Branden Morton, Brad Moses, Brandon )  
 Moyer, Brandon Muir, Gary Mullen, Ronald )  
 Murphy, Robert Nabors, Jr., James Neal, )  
 Jeff Neal, Daniel Neikirk, Carl Nelson, Jason )  
 Nelson, Bethany Newport, Lauren Norman, )  
 Andrew Oody, Waylon Oran, Toby Overbay, )  
 Michael Owens, Harold Owings, J.R. Parks, )  
 Gabe Patterson, Ray Patterson, Matthew Peak, )  
 Daniel Pemberton, Raymond Perkins, Jr., )  
 Connie Pesterfield, Joe Peters, Larry Peters, )  
 Tammy Peters, Deanna Phillips, Eric Phillips, )  
 Jacob Phillips, Rodney Phillips, Ronald Phillips, )  
 Bruce Pierce, Nathan Pippin, Leisa Pittman, )  
 Angela Poe, Nathan Poe, Clarence Powell, )  
 Shanna Pyle, Eric Qualls, Michael Quick, )  
 Eric Rainey, Chesley Randolph, Paul Redmon, )  
 Ronald Reece, Gary Reynolds, George Rice, )  
 Marcus Rickard, Marshall Rickard, Keith Ringley, )  
 Joseph Riordan, Lorne Jay Rittmaier, Brandt )  
 Robin, Michael Robinson, Shannon Robinson, )  
 Adam Rogers, Tuck Rogers, Luther Rookard, )  
 James Royster, Robert Runkles, Jr., Gary )

Russell, Kendall Russell, Randall Ruth, James )  
 Ryans, Brandon Scarlett, Travis Scott, )  
 Christopher Seabolt, Larry Seiber, Cody Sexton, )  
 Doug Sexton, Steven Sexton, Timothy Sexton, )  
 Anthony Sharp, David Sharp, Tyler Sharp, James )  
 Shelley, Daniel Shelton, James Shepard, Mark )  
 Sherrod, Pearly Joe Shoupe, James Simmons, )  
 Dalton Simpson, Connie Smith, Jamie L. Smith, )  
 Jeffrey Smith, Lonnie Smith, III, Randall R. Smith, )  
 Ryan Smith, Randy Solomon, Matthew Spangler, )  
 Hunter Spencer, Blake Sherrill, Quinton Smiddy, )  
 Jr., Jay Stansberry, Jr., Gary Stinnett, Nathan )  
 Stout, Eric Stutts, David Sublett, Greg Sulfridge, )  
 Clellie Summers, Darrell Summers, Roy Summers,) )  
 Teresa Summers, Kent Sutton, Frank Szczygiel, )  
 Ronald Templeton, II, Bradley Thomas, Philip )  
 Thomas, Rebecca Thomas, Matthew Thompson, )  
 Pamela Thompson, Travis Thompson, John )  
 Thornton, Daniel Tipton, Myra Tipton, Bryan Todd,) )  
 Jacob Torbett, Samuel Trammell, Andy Trentham, )  
 Mike Trexler, D.W. Turner, Gary Turner, Charles )  
 Tyson, Johnny Utley, Rickey Valentine, Robert )  
 Vaught, Ryan Hunter Vincent, Roberta Vrooman, )  
 Jeffery D. Walker, Vernessa Walker, Michael )  
 Wallace, Ernest Walling, Kenny Walls, James )  
 Walters, Giorgio Watford, Craig Watson, Kendra )  
 Weaver, Reta Weaver, Telesa Weaver, Greg Webb,) )  
 James Webb, Marvin Webb, Rodney Webster, )  
 Chuck Welch, Brandon Westmoreland, Michael )  
 Wheeler, Dwayne White, Ginger White, Walter )  
 James White, Shawn Whitt, Grady Whyte, Teresa )  
 Wilkerson, John E. Williams, Linda Williams, )  
 Rhonda Williams, Robert B. Williams, Michael )  
 Williamson, Benjamin Willis, Terrance Willis, )  
 Brian C. Wilson, Caleb Wilson, Christopher )  
 Wilson, Hubert Wilson, Ken Wilson, Nathan )  
 Wilson, Nicholas Wilson, Stanley Wilson, )  
 Jason Wolfenbarger, Kenton Woods, Chris Wright,) )  
 Christopher Wright, David Wright, Joel Wright, )  
 Travis Wright, J.N. Wyatt, II, Michael Yeary, )  
 Brandon Young and James Young, )  
 )  
 Plaintiffs, )  
 )  
 )

vs.

Consolidated Nuclear Security, LLC,  
a/k/a CNS Y-12,

Defendant.

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)  
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### **FIRST AMENDED COMPLAINT**

Plaintiffs, by and through counsel, hereby set forth their complaint against Consolidated Nuclear Security, LLC, as follows:

#### **I. INTRODUCTION**

1. Plaintiffs bring this action against Consolidated Nuclear Security, LLC (“CNS”) for legal relief to redress unlawful violations of Plaintiffs’ rights under the Fair Labor Standards Act of 1938, as amended, (“FLSA” or “the Act”), 29 U.S.C. §201, *et seq.*, to remedy violations of the wage provisions of the Act by the Defendant which have deprived the named Plaintiffs of their lawful wages. This suit is brought on behalf of the named Plaintiffs pursuant to §216(b) of the Act.

2. This action is brought to recover unpaid overtime compensation owed to the Plaintiffs, current or past employees of Defendant, pursuant to the FLSA. Plaintiffs have been employed by the Defendant in the Electrical and Lineman/Linewoman Group, Air Conditioning and Refrigeration Mechanic Group,

7.

Asbestos Working Mechanic Group, Building Services Group, Carpenter Group, Machinist Group, Operator Group, Radiological Control Technician Group, Pipefitter Group, Sheetmetal Group, Stockkeeper Group, Garage Mechanic Group, Ironworker and Rigger Group, Machinist Assemblyperson Group, Machinist Cleaner Group, Outside Machinist Group and Welding Group as non-exempt employees. Specifically, Plaintiffs worked for Defendant under a management and operating contract with the National Nuclear Security Administration (NNSA) in Oak Ridge, Tennessee, at the Y-12 facility.

3. For at least three years prior to the filing of this Complaint and continuing since, Defendant committed violations of the FLSA by requiring and/or suffering and/or permitting Plaintiffs to work in excess of forty hours per week without receiving all overtime pay at a rate of one and a half times higher than their regular rate of pay as required by law.

4. Plaintiffs seek injunctive and declaratory relief; overtime premium for all overtime work required, suffered and/or permitted by Defendant; liquidated damages; prejudgment and post-judgment interest; attorney's fees; costs; and all other damages permitted by 29 U.S.C. §216(b) or other provisions of the FLSA.

## **II. THE PARTIES**

5. Plaintiffs currently reside or formerly resided in the Eastern District of Tennessee and are citizens of the United States. Plaintiffs were employed by

8.



Defendant, for the purposes of this civil action, during part or all of three years prior to the filing of this action.

6. During their employment with Defendant, Plaintiffs were paid an hourly rate of pay as required by their collective bargaining agreement. While employed by Defendant, Plaintiffs regularly worked in excess of 40 hours per week, but did not receive all overtime compensation to which they were entitled under the Act.

7. At all times material to this action, Plaintiffs were “employees” of the Defendant as defined by §203(e)(1) of the FLSA and worked for Defendant within the territory of the United States, specifically in the Eastern District of Tennessee, part or all of the three-year period preceding the filing of this lawsuit. These same individuals are further covered by §207 of the FLSA for the period in which they were employed by Defendant.

8. Defendant is a Delaware corporation engaged in commerce as defined by the FLSA and which provides services for the federal government at the Y-12 National Security Complex and has its place of business at 301 Bear Creek Road, Oak Ridge, Tennessee 37830. Plaintiffs will attempt service of process of Defendant through Waiver of Service of Summons pursuant to Rule 4 of the Federal Rules of Civil Procedure.

9. Defendant, CNS has been the “employer” of the named Plaintiffs as defined by Section 203(d) of the FLSA.

10. Defendant is subject to personal jurisdiction in the State of Tennessee for the purposes of this lawsuit.

11. The overtime provisions set forth in §207 of the FLSA govern the business operations and activities of and apply to Defendant's business.

### **III. JURISDICTION AND VENUE**

12. This court has subject matter jurisdiction over this action pursuant to 28 U.S.C. §1331, federal question jurisdiction, and pursuant to 29 U.S.C. § 216(b).

13. Venue is proper in the Eastern District of Tennessee where all violations occurred and where Defendant's place of business was located.

### **IV. VIOLATIONS OF THE FLSA**

14. Defendant has intentionally and repeatedly engaged in a practice of improperly and unlawfully failing to pay non-exempt employees, including Plaintiffs, in violation of the provisions of the FLSA and corresponding federal regulations.

15. Defendant has intentionally and repeatedly engaged in the practice of under-reporting the hours worked by their non-exempt employees in violation of the provisions of the FLSA. In addition, Defendant's agents and/or employees have required Plaintiffs to engage in work before the designated starting time and after the designated quitting time changing clothes and performing miscellaneous work activities.

16. Defendant knew of the requirement to compensate Plaintiffs for activities after the triggering of the continuous workday because hourly CNS employees such as guards, guard supervisors and firefighters are compensated under similar circumstances of clothes changing.

17. By its actions alleged herein, Defendant willfully, knowingly, and/or recklessly violated the provisions of the FLSA and corresponding federal regulations.

18. Defendant willfully and intentionally engaged in a pattern and practice of violating the provisions of the FLSA as detailed herein, by preventing or endeavoring to prevent the proper compensation of Plaintiffs in accordance with §207 of the FLSA. Defendant has intentionally and repeatedly engaged in the practice of under-reporting hours worked by their non-exempt employees in violation of the provisions of the FLSA. In addition, Defendant's agents and/or employees have specifically required Plaintiffs to do the following:

- a) work off the clock when performing miscellaneous work activities;

- b) engage in waiting time and walking time without counting the time as hours worked after performing the first principal work activities to begin the continuous work day and not counting hours worked before the last work activities at the conclusion of the work day.

c) engage in principal work activities that expose Plaintiffs to substantial hazards, including but not limited to electric shock or arc-flash, fire, physical hazards, radiological, uranium, beryllium, asbestos, lead, hexavalent chromium, lithium, biologic agents, transuranic waste, or other toxic substances.

d) without pay, change into and out of required Defendant-provided clothing, including but not limited to flame resistant and/or arc-rated clothing, shirts, pants, coveralls, jackets, raincoats and rain pants, socks, undergarments, safety boots, safety glasses, and other protective clothing, that is integral and indispensable to Plaintiffs' principal activities despite Defendant not qualifying for the exception for clothes changing under 29 U.S.C. §203(o).

#### **V. SCOPE OF DEFENDANT'S LIABILITY**

19. Plaintiffs bring this action on behalf of non-exempt Electrical and Lineman/Linewoman Group employees of Defendant who have been improperly compensated in violation of the FLSA.

20. Plaintiffs were employed directly by Defendant in job categories within Defendant's Electrical and Lineman/Linewoman Groups, Air Conditioning and Refrigeration Mechanic Group, Asbestos Working Mechanic Group, Building Services Group, Carpenter Group, Machinist Group, Operator Group, Radiological Control Technician Group, Pipefitter Group, Sheetmetal Group,

Stockkeeper Group, Garage Mechanic Group, Ironworker and Rigger Group, Machinist Assemblyperson Group, Machinist Cleaner Group, Outside Machinist Group and Welding Group.

21. Defendant issued compensation to Plaintiffs during their employment with Defendant. Plaintiffs were not compensated for all overtime hours to which they were entitled under the FLSA.

22. As a result of the Defendant's violations of the FLSA, Plaintiffs have suffered damages by failing to receive their lawful overtime wages in accordance with Section 207 of the FLSA.

23. Defendant has made no good faith effort to comply with the FLSA with respect to their compensation of Plaintiffs or other similarly situated employees.

24. As a result of the unlawful acts of Defendant, Plaintiffs have been deprived of their rightful overtime compensation in an amount to be determined at trial; and they are entitled to recovery of such amounts; declaratory and injunctive relief; liquidated damages; pre-judgment interest and post-judgment interest; attorney's fees, costs, and all other compensation and relief permitted by the FLSA.

25. Contemporaneously with the filing of this complaint, each Plaintiff has filed his or her Consent to Become Party Plaintiff, attached hereto as Exhibits E through M. Exhibits A through D were filed with the original Complaint for the original Plaintiffs.

## **VI. PRAYER FOR RELIEF**

Wherefore, Plaintiffs pray for the following relief:

1. That the Court enter a declaratory judgment that the practices complained of herein are unlawful under the FLSA;
2. That an injunction issue against Defendant and its officers, agents, successors, employees, representatives and any and all persons acting in concert with them, as provided by law, from engaging in the unlawful practices, policies and patterns set forth herein in violation of FLSA;
3. That Plaintiffs be awarded damages, including liquidated damages and overtime compensation owed to them under the FLSA in an amount to be determined at trial;
4. That Plaintiffs be awarded costs and expenses for this civil action, including reasonable attorney's fees and expert fees;
5. That the Court award pre-judgment and post-judgment interest, as provided by law;
6. That the Court award such other and further legal and equitable relief as this Court deems necessary, just, and proper.
7. That the Court conduct a bench trial to decide all issues of fact.

Respectfully submitted this 20<sup>th</sup> day of September, 2021.

s/Garry Ferraris  
Garry Ferraris (BPR#016086)  
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**CERTIFICATE OF SERVICE**

I hereby certify that on September 20, 2021, the foregoing First Amended Complaint was filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties specified on the electronic filing receipt. All other parties will be served by regular U.S. mail. Parties may access the filing through the Court's electronic filing system.

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